
Z-2561
MICHAEL E. DAUGHERTY
R3 to GB

REVISED STAFF REPORT
January 9, 2014

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All additions to the original December 12, 2013 staff report are italicized.

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is buying the land and will close before the end of the month, and with the consent of the property owner, Huntington National Bank of Indiana, is requesting rezoning of a property consisting of six lots located between Union and Salem Streets, east of N. 18th Street, more specifically 1800 Union Street, Lafayette, Fairfield 21 (NE) 23-4.

Petitioner plans on relocating his existing business, Abstract Technology Group, from its current location at Teal Road and 4th Street to the proposed site. *At the December APC meeting, staff was surprised to learn that petitioner plans to share the old bank building with a car detailing business. While a computer business is allowed in NB, car detailing would require GB zoning.*

ZONING HISTORY AND AREA ZONING PATTERNS:

The oldest Lafayette zoning maps in the office indicate that a portion of this site has always been zoned R3; the remaining three lots were rezoned from R2 to R3 in January 1988 (Z-1329). R2 zoning is in place adjacent to the east, NB Neighborhood Business zoning exists adjacent to the north and south, with GB zoning farther to the north between Elmwood and Erie Streets. PDNR zoning is located across the street to the west.

This property received a special exception from the ABZA in January 1988 (following the R3 rezone) for a bank in the R3 zone. This approval served as a catalyst for the creation of a task force which ultimately resulted in the *Union/Salem Corridor Amendment to the Land Use Plan*, which was adopted in April of 1989.

AREA LAND USE PATTERNS:

The site in question has a bank building that has been vacant for some time. There is a CVS Pharmacy to the west, apartments to the northwest, commercial to the north, one and two-family dwellings to the east and a multi-agency building which houses several not-for-profit organizations to the south.

TRAFFIC AND TRANSPORTATION:

The site has two existing driveways: one from Union Street on the south side and one from Salem; there is no direct access onto 18th Street. All three streets are classified as urban primary arterials by the adopted *Thoroughfare Plan*. There is an attached canopy with a drive that wraps around the building that was used for drive-up teller windows. It is commonly believed that GB zoning is required in order for a business to utilize drive-up windows or drive-thrus, but that is not true except for one category of land use (eating and drinking establishments). Banks, like most commercial service uses including computer repair

businesses, are required to have one paved parking space per 200 square feet of gross floor area. There is a paved and striped parking area on site.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City water and sewer serve the site. *Both NB and GB adjacent to R2 zoning would require a 20' type C bufferyard, "except where the continued use of existing buildings and/or parking areas would occupy the space otherwise reserved for the bufferyard" per Section 4-9-2 of the UZO.*

STAFF COMMENTS:

In 1989, the task force established to stem the tide of commercial intrusion into residential areas within the Union/Salem corridor helped create the Land Use Plan Amendment for the corridor stretching from the river to Sagamore Parkway. In it, the plan states that, "The Task Force – brought together by the Lafayette City Council in the wake of hearings that led to approval of the new bank under construction on the east side of 18th Street between Union and Salem -- is intent on maintaining the ***moderate density residential*** character of this part of the Corridor." The plan attempted to keep retail and service uses within areas where they already existed.

Nearly 25 years later, the Union/Salem corridor plan has been only marginally upheld. Land uses to the east of this site have remained generally single and two-family residential. The initial attempt in 1998 to rezone the CVS site to NB was denied. The two obvious commercial intrusions since the bank was built are the office building to the south where the former Kennedy Sports Field was located, rezoned in 2007, and the CVS store (a product of several planned development attempts) finally successfully rezoned in 2009. (This followed a gas leak and a series of explosions in 2002 which altered the streetscape by destroying several of the houses the plan had attempted to save.) Both the office building and the CVS were constructed with at least an attempt to cater to the neighborhood. Both buildings, while not built to NBU standards, are designed to be pedestrian-friendly while also providing required parking.

The Unified Zoning Ordinance today does not allow a bank in the R3 zone with a special exception as the old ordinance did in 1988. Now banks, offices, and computer-related services are permitted by right in both the NB and GB zones. Interestingly, the corridor plan, written in 1989, mentions the need for a new zoning district, one that allows business and commercial uses on a smaller, neighborhood scale that would better protect existing residences from unwanted commercial intrusion. That "new" zoning district was included in the 1998 zoning ordinance as the Neighborhood Business and Neighborhood Business Urban zones. NB zoning would be the perfect fit for this former bank building; the zone already exists adjacent to the north and south, meaning if this site were also NB, that zone would line the east side of 18th Street from Elmwood to Murdock Park. The businesses likely to reuse the existing building, including petitioner's computer business, are permitted by right in NB and NB would do a better job of protecting existing residences from the many unwanted uses allowed by right in the GB zone.

One of those unwanted uses allowed by right in the GB zone in staff's opinion, is a car detailing business. It is the type of commercial use, centered on cars, which can in no way be considered pedestrian-friendly. It belongs in one of our many existing GB-zoned areas and not in the Union-Salem corridor where it would only chip away at any remaining "residential character" in the neighborhood.

STAFF RECOMMENDATION:

Denial of this GB rezone; however...

Approval, if the request is amended to NB